

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN MCGARRY,

Plaintiff(s),

v.

ZIMMER INC., et al.,

Defendant(s).

No. C 13-05104 PJH


ORDER OF DISMISSAL

The parties having advised the court in their Joint Notice of Settlement that they have agreed to a settlement of this cause, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty days, with proof of service thereof on the opposing party, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

If no certification is filed, after passage of sixty days, the dismissal shall be **with** prejudice. The parties may, of course, substitute a dismissal **with** prejudice at any time during this sixty day period.

IT IS SO ORDERED.

Dated: June 15, 2015


PHYLLIS J. HAMILTON
United States District Judge

